



Paper No. 12

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JUN 15 2001

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In re Application of
Yang, et al.
Application No. 09/222,443
Filed: December 29, 1998
Attorney Docket No. 17100

OFFICE OF PETITIONS
A/C PATENTS
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 21, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned on August 4, 2000. The application was abandoned for failure to timely submit a proper response to the final Office action mailed May 3, 2000. The final Office action set a three (3) month shortened statutory period for reply. No extensions of time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed December 6, 2000.

The Notice of Appeal filed May 21, 2001 has been entered and made of record. Accordingly, the two (2) month period for filing the appeal brief, in triplicate, accompanied by the requisite fee, runs from the mail date of this decision.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

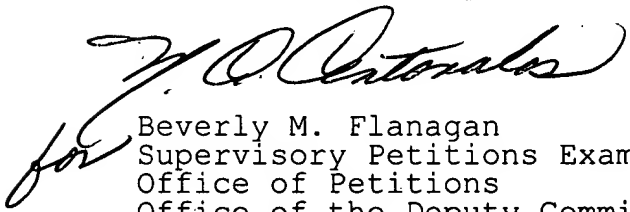
It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$890.00 extension of time fee submitted with the instant petition was subsequent to the maximum period obtainable for reply, this fee is unnecessary. A refund to deposit account No. 50-0540 has been requested from the Office of Finance, Refund Section.

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703)305-0310.


for Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
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